

### **REMARKS/ARGUMENTS**

Claim 14 and Claim 15 were not in sequential order in the RCE submitted. Claim 14 is cancelled and copied into new Claim 31 which depends on Claim 15, per the Examiner's remark.

#### **Claim Rejections 35 U.S.C. § 103**

Claims 1, 3, 26, 28, were rejected under 35 U.S.C. 103(a) as being unpatentable over Wheatley, III, et al. (US PAT: 5,107,225, hereinafter Wheatley) in view of Hashimoto (JP05-244025).

According to the EPO, there are a U.S. case (5,465,407) in English and EP (EP0559093) case in English corresponding to the Hashimoto JP application in Japanese. With the Examiner's permission Applicants refer to the US and EP cases because they are unable to read the Japanese labels on the JP figures and the JP text.

Applicants traverse the rejection because Hashimoto does not teach "each having a channel filter circuit with a gain adjustable by said hardware, wherein a gain adjustment is conducted in the channel filter circuit itself" as alleged in the Office Action p. 3 L 10+. In Claims 1 and 26, the "hardware" is "coupled to said first input and responsive to signal strength information ... without incurring program execution delay of a data processor"; i.e. a DSP is specifically avoided. In contrast, Hashimoto teaches the exact opposite and actually uses a DSP (digital signal processor) to control the gain as shown in the English translated versions (e.g. element 30 Fig. 1, US patent, JP Abstract). Hashimoto Col 3 L. 26 (US case) states more clearly, "a digital signal processor having in a memory a program to estimate a maximum value of the input to the A/D ... based on the

output level of the A/D converters". This too is in sharp contrast to Claims 1 and 26 which state the hardware is responsive to the signal strength information.

Further, Hashimoto does not have "gain adjustment conducted in the channel filter itself" – Hashimoto is outside of the channel filter and going through a large DSP and the DSP has memory with information to provide a decision. There is no incentive to combine Hashimoto with Wheatley, particularly not when Hashimoto teaches strongly away from the claim elements including the one cited by the Examiner. Hashimoto also teaches away from Wheatley's invention since Hashimoto is responsive to the DSP memory information which can contradict RSSI information; so the combination of Hashimoto and Wheatley is a non-working combination.

Therefore Claims 1 and 26 are believed allowable and their dependent claims are allowable for at least the foregoing reasons.

Claims 5 – 7, 27, 29, were rejected under 35 U.S.C. 103(a) as being unpatentable over Wheatley, III, et al. (US PAT: 5,107,225, hereinafter Wheatley) in view of Hashimoto (JP05-244025), further in view of Suganuma (US 5,507,023)

By virtue of their dependency on independent Claims 1 and 26 which are believed allowable, Claims 5 – 7, 27, 29 should also be allowable.

Claims 2 and 30, were rejected under 35 U.S.C. 103(a) as being unpatentable over Wheatley, III, et al. (US PAT: 5,107,225, hereinafter Wheatley) in view of Hashimoto (JP05-244025), further in view of Spiegel (US 2002/0150174A1)

By virtue of their dependency on independent Claims 1 and 26 which are believed allowable, Claims 2 and 30 should also be allowable.

Allowable Subject Matter

Claims 8 – 24 were allowed. Applicant thanks the Examiner.

Respectful request is made for entering the amendments which place this application in condition for allowance, and issuing a Notice of Allowance. Any missing fees may be charged to deposit account 20-0668.

Respectfully submitted,

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